

**REMARKS**

Claims 1, 2, 4-10 and 12 were pending in the application. No claims have been amended or canceled. Claims 13 and 14 have been added. Therefore, claims 1, 2, 4-10 and 1-14 are pending and submitted for reconsideration.

**Double Patenting**

Claims 1-2, 4-10 and 12 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,986,926 ("Fannasch") and claims 1-16 of U.S. Patent No. 6,827,283 ("Kappe"). An appropriate terminal disclaimer is attached hereto. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

**35 U.S.C. 102(e): Kappe and Fannasch**

Claims 1-2, 4-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kappe and Fannasch. The 102(e) rejection is improper at least because both Kappe and Fannasch were not filed in the U.S. before the invention of the present application. Neither Kappe nor Fannasch were filed in the U.S. before the present application. The international applications of Kappe and Fannasch were not published in English. Kappe has a § 371(c) filing date of July 23, 2003 and Fannasch as a § 371(c) filing date of September 3, 2003. The present application was filed in the PTO on **June 21, 2002**. Thus, the rejection under 35 U.S.C. 102(e) is improper and reconsideration and withdrawal of the rejection are respectfully requested. Copies of the international applications of Kappe and Fannasch are attached.

**35 U.S.C. 102(b): Ligas**

Claims 1-2, 4-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,289,547 ("Ligas"). Applicants respectfully request reconsideration and withdrawal of the rejection for at least the following reasons.

Ligas fails to disclose, teach or suggest "two or more layers into which visually readable information is introduced in the form of a change in the optical property on the basis

of a material change effected *irreversibly* by a laser beam,” as called for in claim 1 and similarly in claim 10. Ligas merely teaches using photochromic compounds that “undergo a *reversible* change in color.” Ligas at col. 3, lines 22-24 (emphasis added). Thus, Ligas clearly teaches a reversible means of bleaching, which inherently cannot be “irreversible” as required by claims 1 and 10. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2, 4-9, 12 and new claims 13-14 depend from claims 1 or 10 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

For example, Ligas fails to teach or suggest that “the layers are plastic films laminated one over another, in which the colored pigments are contained” or that “the layers are varnish layers arranged one above another, in which the colored pigments are contained,” as required by claim 8 and 9, respectively. Ligas merely discloses photochromic compounds that can be incorporated into the carrier composition by blending or mixing the polymer and photochromic compounds together. See Ligas at Col. 8, lines 20-64. Ligas does not teach layering, one above another, of the colored pigments, either in laminated films or varnish. Reconsideration and withdrawal of the rejection of claims 8, 9 are respectfully requested. New claims 13 and 14 contain recitations similar to claims 8 and 9.

#### Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By WTE

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5485  
Facsimile: (202) 672-5399

Attorneys for Applicant  
William T. Ellis  
Registration No. 26,874

Jessica M. Palmer  
Registration No. 56,986